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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,532	09/29/2000	Adrian Crisan	1662-28600 (P99-2749)	1582
22879	7590	11/10/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			DU, THUAN N	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/675,532

Applicant(s)

CRISAN, ADRIAN

Examiner

Thuan N. Du

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment A, Petition to reset a period for reply and request for refund, Change of correspondence address (all dated 3/16/2004).
2. The application has been forwarded to SPRE for processing the Petition.
3. Claims 1-24 are presented for examination.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

5. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. [Barnett] (U.S. Patent No. 5,664,093) in view of Chakravarty et al. [Chakravarty] (U.S. Patent No. 5,161,158).
6. Regarding claim 1, Barnett teaches a method for configuring a computer system comprising the steps of:
  - (a) determining the current configuration of the computer system [col. 2, line 64 to col. 3, line 2], said configuration including hardware and software component information, the information including version information [col. 3, lines 10-15; col. 7, lines 7-10];
  - (b) determining problem(s) with the current configuration in the computer system [col. 2, line 64 to col. 3, line 2; col. 7, lines 26-34];
  - (c) varying the configuration of the computer system [col. 4, lines 21-24].

Barnett does not explicitly teach the steps of determining an overall problem index value for the current configuration and determining an overall problem index value for the configuration as varied in (c).

Chakravarty also teaches a method for configuring a system comprising the steps of:  
determining the current configuration of the system [col. 6, lines 25-28];  
determining an overall problem index value (the list of problems) associated with the current configuration, said overall problem index value providing a relative indication of the problems in the system [col. 6, lines 37-38];  
varying the configuration of the system [col. 6, lines 49-54]; and  
determining an overall problem index value for the configuration as varied [col. 6, lines 53-54].

Thus, Chakravarty teaches a method for determining an optimum configuration similar to that of Barnett. Chakravarty further teaches an overall problem index value (list of all possible problems) associated with each configuration is determined. It appears that the list of all possible problems in Chakravarty provides advantage in Barnett by displaying total number of all problems instead of displaying a particular problem for a particular component disclosed by Barnett.

It would have been obvious to one of ordinary skill in the art, having the teachings of Barnett and Chakravarty before him at a time the invention was made, to modify the teachings of Barnett to include a list of all possible problems taught by Chakravarty, in order to obtain an optimum configuration.

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7. Regarding claim 2, both Barnett and Chakravarty teach a method for determining an optimum configuration. Therefore, inherently, both Barnett and Chakravarty select the configuration having the least possible problems.
8. Regarding claim 3, one of ordinary skill in the art would have readily recognized that it would have been obvious for the user to select the configuration having the least possible problems because it is the best possible configuration.
9. Regarding claim 4, Barnett teaches the step of varying the configuration of the computer system includes varying the version of each software application in the configuration determined in (a) [col. 4, lines 21-23].
10. Regarding claims 5 and 6, Barnett teaches the step of varying the configuration of the computer system includes varying the version of each software application in the configuration determined in (a) [col. 4, lines 21-23].
11. Regarding claim 7, Barnett teaches the step of determining an overall problem index value include selecting individual problem index values from a knowledge base [col. 7, lines 26-34].
12. Regarding claim 8, Chakravarty teaches that the problem index value comprises a total number of individual problems (a list of all problem).
13. Regarding claims 9-11, Chakravarty teaches that the problem index value is used to indicate the number of problems (a list of all problem). Therefore, it is a matter of design choice for the problem index value is used to indicate the number of problems or severity of problems or both.

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14. Regarding claims 12-24, Barnett and Chakravarty together teach the claimed method steps. Therefore, Barnett and Chakravarty together teach the apparatus to implement the claimed method steps.

***Conclusion***

15. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection. The new ground(s) of rejection were necessitated by applicant's arguments. Specifically, applicant argued that Barnett fails to disclose the step of determining overall problem index value(s) associated with the configuration(s). Examiner agrees with applicant position.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

  
LYNNE H. BROWNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 8600 2100

Thuan N. Du  
May 21, 2004